

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FILED/ACCEPTED
DEC 29 2010
Federal Communications Commission
Office of the Secretary

In the Matter of:)
)
REELZCHANNEL, LLC) CGB-CC _____
)
Petition for Partial Exemption Closed)
Captioning of the Closed Captioning Rules)

PETITION FOR TEMPORARY CLOSED CAPTIONING EXEMPTION

ReelzChannel, LLC ("ReelzChannel"), by its attorneys, and pursuant to Section 79.1(f) of the Commission's rules,¹ hereby submits this Petition for Temporary Closed Captioning Exemption ("Petition") by which it requests a short-term exemption from the Commission's closed captioning requirements² for all of its high-definition ("HD") video programming through March 31, 2011. As demonstrated below, grant of this Petition would serve the public interest.³

ReelzChannel, a new video programming network, began operations on September 27, 2006. Through great effort and investment, ReelzChannel now is available nationwide in more than 50 million homes through distribution on direct broadcast satellite and cable television systems. ReelzChannel is "TV ABOUT MOVIES®," a network devoted 24/7 to programming about movies. ReelzChannel does not primarily show movies. Rather, the network and its innovative website focus on topics and information regarding movies, producing and distributing such popular original programs as *Hollywood Dailies*, *Spotlight*, *Hollywood's Top Ten*, and *Maltin on Movies*.

¹ 47 C.F.R. §79.1(f). The instant Petition is not related to, and should not be considered to affect, ReelzChannel's pending *Petition for Closed Captioning Exemption* seeking a limited exemption for the video program *Movies & Music*, and filed with the Commission on September 15, 2010.

² 47 C.F.R. §79.1(b).

³ This Petition is supported by the attached Declaration of Michael E. Smith.

ReelzChannel had been operating under the automatic closed captioning exemption available to new video programming networks during its first four years of operation.⁴ Because that four-year exemption was about to expire and ReelzChannel continued to have technical problems, on September 27, 2010, ReelzChannel filed a “Petition for Temporary Closed Captioning Exemption” requesting a short-term exemption from the Commission’s closed captioning requirements through December 31, 2010.⁵

ReelzChannel recently rolled out an HD feed of its network. Deployment of the HD service, however, caused technical difficulties with the provision of closed captioning. Specifically, as the HD programming is compressed on its way to the master control equipment, all of the captioning data disappears. ReelzChannel, working in conjunction with various equipment vendors, has been diligently attempting to address this issue. Until recently, it believed the problem would be cured prior to December 31, 2010. However, after multiple failed attempts to resolve this problem, ReelzChannel decided that its only option is to begin real-time captioning of its HD programming after this content has been compressed, as it travels to the satellite feeds. This solution requires ReelzChannel to reconfigure its equipment, which cannot be accomplished prior to December 31, 2010. As a result, ReelzChannel hereby requests an additional three-month closed captioning exemption, until March 31, 2011.

Even with this temporary exemption, a significant amount of ReelzChannel’s programming will contain captions. Specifically, ReelzChannel’s standard-definition content, which makes up about 60-70% of its total programming, currently is, and will continue to be, captioned. In addition, ReelzChannel will continue to pass through captioning data already

⁴ 47 C.F.R. §79.1(d)(9).

⁵ That request for short-term exemption is in effect pursuant to §79.1(f)(11) of the Commission’s rules. 47 C.F.R. §79.1(f)(11).

contained in programming, and thereby remain in compliance with §79.1(c) of the Commission's rules. Moreover, ReelzChannel hopes, and anticipates, that it will complete the work needed for it to caption its HD programming prior to March 31, 2011, at which time ReelzChannel will begin providing all of its programming, including its HD content, with intact captioning data.

Failure to provide this exemption would cause an undue and unreasonable burden to ReelzChannel. As detailed above, despite its diligence, ReelzChannel still cannot provide its HD programming with closed captions due to a technical issue that could not be resolved even by several highly-experienced equipment vendors. Further, the effects of the requested exemption would be limited because much of ReelzChannel's programming will be captioned and, in any event, the requested exemption would last no more than a few months.⁶ Therefore, ReelzChannel requests that it be exempted from the Commission's closed captioning requirements with respect to all of its HD video programming through March 31, 2011. The public interest would be advanced by granting this limited, temporary exemption.

Respectfully submitted,

REELZCHANNEL, LLC



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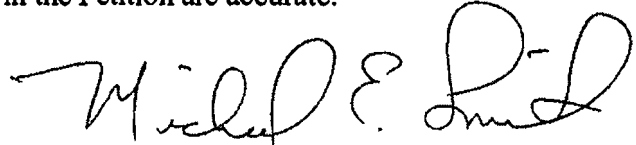
⁶ The amount of time requested here for exemption represents only about 6% of the automatic exemption available under §79.1(d)(9) of the Commission's rules.

DECLARATION OF MICHAEL E. SMITH

Michael E. Smith, subject to the penalty of perjury, declares the following:

I am a United States citizen, more than eighteen years of age, and competent to testify. I am the Senior Vice President of Programming and Production for ReelzChannel, LLC ("ReelzChannel"), a position I have held since October 2009. I have participated in the preparation of ReelzChannel's Petition for Temporary Closed Captioning Exemption ("Petition") to be submitted to the Federal Communications Commission ("FCC"), including reviewing a materially complete final draft of it. With the exception of information about which the FCC may take judicial notice, the assertions of fact in the Petition are accurate.

December 28, 2010

A handwritten signature in black ink, appearing to read "Michael E. Smith", written over a horizontal line.

Michael E. Smith